

Clean Version of the Amended and New Claims

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32. (Amended) A communication device for communication with a remote device over a communication channel, said communication device being in communication with a handset, said communication device comprising:

an off-hook detector capable of detecting said handset going off-hook, while said communication device is in communication with said remote device, and further being capable of generating an attention signal in response thereto; and

a transmitter capable of transmitting a hold request to said remote device in response to said attention signal;

wherein said handset is placed off-hook by a user for dialing an outgoing call, and wherein said communication between said devices over said communication channel ceases for a period of time after transmitting said hold request, and wherein said communication device keeps an upper layer protocol alive during said period of time.

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44. (Four Times Amended) A communication method for use between a first device and a second device in communication over a communication channel, said first device being in communication with a handset, said communication method comprising the steps of:

detecting said handset going off-hook;

transmitting a hold request to said second device in response to said handset going off-hook;

ceasing said communication with said second device over said communication channel by said first device for a period of time;

causing a dial tone to be generated for dialing an outgoing call using said handset;

~~72~~ and

~~keeping an upper layer protocol alive during said period of time.~~

~~73. (Twice Amended) A first modem capable of communicating with a second modem over a communication channel, a portion of said communication channel existing over a telephone line between said first modem a central office, said first modem comprising:~~

~~a receiver capable of receiving a relinquishment request, while said telephone line is in use by said first modem for communication with said second modem, to relinquish said use of said telephone line; and~~

~~a transmitter capable of transmitting a hold request to said second modem to place said communication between said modems on hold;~~

~~wherein said communication between said modems is placed on hold and said use of said telephone line is relinquished, and wherein said first modem causes a dial tone to be generated over said telephone line after said communication between said modems is placed on hold, and wherein said first modem keeps an upper layer protocol alive while said modems are on hold.~~

~~79. (Twice Amended) A method of sharing a telephone line by a first modem capable of communicating with a second modem over a communication channel, a portion of said communication channel existing over said telephone line between said first modem a central office, said method comprising:~~

~~receiving a relinquishment request, while said telephone line is in use by said first modem for communication with said second modem, to relinquish said use of said telephone line;~~

transmitting a hold request to said second modem to place said communication between said modems on hold;

placing said communication between said modems on hold;

keeping an upper layer protocol alive;

relinquishing said use of said telephone line; and

causing a dial tone to be generated over said telephone line.

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85. (New) The communication device of claim 32, wherein said communication device keeps said upper layer protocol alive by manufacturing data and presenting said data to said upper layer to maintain an appearance of receiving said data from said remote device.

86. (New) The communication method of claim 44, wherein said step of keeping said upper layer protocol alive includes:

manufacturing data; and

presenting said data to said upper layer to maintain an appearance of receiving said data from said second device.

87. (New) The first modem of claim 73, wherein said first modem keeps said upper layer protocol alive by manufacturing data and presenting said data to said upper layer to maintain an appearance of receiving said data from said second modem.

88. (New) The method of claim 79, wherein said keeping said upper layer protocol alive includes:

manufacturing data; and

presenting said data to said upper layer to maintain an appearance of receiving said data from said second modem.